



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Acting Secretary

January 13, 2010

Ms. Lee Anne Devine
Chief South Section – Regulatory Branch
U.S. Army Corps of Engineers – Louisville District
600 Dr. Martin Luther King Jr. Place
Louisville, Kentucky 40202

Mr. Adam Jackson
WQC Section
Kentucky Division of Water
200 Fair Oaks Lane
Frankfort, Kentucky 40601

Subject: Pre-Construction Notification and
Section 401 Water Quality Certification
Reconstruction of KY 100
Allen County, Kentucky
KYTC Item No: 3-8100.00

RECEIVED

JAN 15 2010

WATER QUALITY BRANCH

Dear Ms. Devine and Mr. Jackson:

The Kentucky Transportation Cabinet (KYTC) respectfully submits this Pre-Construction Notification and application requesting approval under Section 404/401 of the Clean Water Act.

The project concerns the reconstruction KY 100 in Allen County, Kentucky. The project will result in unavoidable and permanent impacts to two intermittent streams, two ephemeral stream and temporary impacts to one perennial stream. These impacts are below mitigation thresholds, no in-lieu fee payment or mitigation is proposed.

Trammel Creek is the perennial stream that will be temporarily impacted. This stream is a Special Use Water classified as an Exceptional Water, Cold Water Aquatic Habitat and Reference Reach. The stream will be impacted during removal of the existing bridge and piers, the minimization techniques are described on the following page. The piers for the new bridge will be placed ABOVE the Ordinary High Water Mark however; a coffer dam will be required for construction of one of the piers near the water's edge in order to facilitate dry construction as well as to protect the stream for sedimentation during pier construction. An Individual Kentucky Pollution Discharge Elimination System will be required for this project and is being applied for separately.

Section 106 of the National Historic Preservation Act for historic properties was addressed with the State Historic Preservation Office (SHPO), no Archaeological sites were present and an MOA for Historical Sites has been approved and signed and has been included in its entirety in this application package, please see the attached documentation.

Section 7 of the Endangered Species Act has been addressed. A not likely to adversely affect finding resulted for the Indiana and gray bat, please see the attached documentation.

Please find the attached application package.

If you have any questions or need additional information, please contact me at 502-564-7250 or by email: Danny.Peake@ky.gov.

Sincerely,

Daniel R. Peake
Division of Environmental Analysis
Kentucky Transportation Cabinet



APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003

EXPIRES: 31 August 2012

Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This Information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME: First - <u>DANNY</u> Middle - <u>R</u> Last - <u>PEAKE</u> Company - <u>KYTC</u> E-mail Address - <u>Danny.Peake@ky.gov</u>	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Middle - Last - Company - E-mail Address -
6. APPLICANT'S ADDRESS: Address - <u>ZOOMER ST</u> City - <u>FRANKFORT</u> State - <u>KY</u> Zip - <u>40622</u> Country - <u>U.S.</u>	9. AGENT'S ADDRESS Address - City - State - Zip - Country -
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax <u>502 564 7250</u>	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

Danny P. P. P.
APPLICANT'S SIGNATURE

1/13/00
DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

KY 100 RECONSTRUCTION

13. NAME OF WATERBODY, IF KNOWN (if applicable)

TRAMMEL CRK

14. PROJECT STREET ADDRESS (if applicable)

Address

15. LOCATION OF PROJECT

Latitude: N 36.731779

Longitude: W-86.271186

City -

State -

Zip -

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID

Municipality

Section -

Township -

Range -

17. DIRECTIONS TO THE SITE

JUST WEST OF SCOTTSVILLE ON KY 100

RECEIVED

JAN 15 2010

18. Nature of Activity (Description of project, include all features)

RECONSTRUCT ROAD, REPLACE BRIDGE, DECONSTRUCT OLD BRIDGE

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

TO MAKE ROAD SAFER AND FACILITATE FLOW OF TRAFFIC.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

CULVERTS.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Amount in Cubic Yards	Type	Amount in Cubic Yards	Type	Amount in Cubic Yards
PIPES / RIPRAP	0.049 ACRES				
	237.16 yd ²				

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.049 ACRES

Or

Liner Feet 450'

23. Description of Avoidance, Minimization, and Compensation (see instructions)

PLEASE SEE SUMMARY OF IMPACTS

24. Is Any Portion of the Work Already Complete? Yes ☐ No ☒ IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Address -

City -

State -

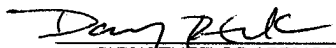
Zip -

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

	1/13/10		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER**

**APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION**

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: Kentucky Transportation Cabinet
Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: 200 Mero Street, Frankfort KY 40622

TELEPHONE #: 502 564 7250 EMAIL: Danny.Peake@ky.gov

2. AGENT: _____
Give name of person(s) submitting application, if other than owner.

ADDRESS: _____

TELEPHONE #: _____ EMAIL: _____

3. ENGINEER: _____ P.E. NUMBER: _____
Contact Division of Water if waiver can be granted.

TELEPHONE #: _____ EMAIL: _____

4. DESCRIPTION OF CONSTRUCTION: Reconstruction of an unsafe section of KY 100
Describe the type and purpose of construction and describe stream impact

5. COUNTY: Allen NEAREST COMMUNITY: Scottsville

6. USGS QUAD NAME: _____ LATITUDE/LONGITUDE: 36.731779 W-86.271186

7. STREAM NAME: Trammel Creek/Fork WATERSHED SIZE (in acres): various,

8. LINEAR FEET OF STREAM IMPACTED: total = 390

9. DIRECTIONS TO SITE: Just west of Scottsville on KY 100

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? Yes ☒ No ☐ If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____
11. ESTIMATED BEGIN CONSTRUCTION DATE: 2010
12. ESTIMATED END CONSTRUCTION DATE: 1 year after start date
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? Yes ☒ No ☐ If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- ☐ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
- ☐ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ☐ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:

Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: Please reference attached application package
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

17. I, KYTC (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).

18. REMARKS:

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: Darryl P. H.

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 1/13/2010

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: _____

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

SUMMARY OF SECTION 404/402 IMPACTS
Allen County
KY 100 realignment and bridge replacement over Trammel Creek

Deconstruction Impacts/Minimization Techniques:

Deconstruction of the existing bridge will be done utilizing heavy equipment and erosion controls to prevent sediment from entering Trammel Fork. Netting and tarps will be placed under the existing bridge to catch and prevent large pieces of concrete from entering Trammel Fork during demolition. In the unforeseen event that debris does enter the stream it will be removed immediately. As the substrate underneath the existing bridge is primarily bedrock, it is believed that debris falling in to the creek will not permanently alter flow regimes or substrate homogeneity if removed quickly. A temporary work pad using clean rock fill will be constructed to allow access to the pier in the water before deconstruction of the bridge commences. A cofferdam will be placed around piers currently in the water or the stream's edge to minimize sediment associated with deconstruction from entering the stream. The bridge will first have the beams removed. Next the concrete sections will be broken using a hoe ram and dropped into the creek. All debris will be removed immediately using clam-shell buckets and grapples from stream bank and temporary work pad. Piers near the stream bank will be demolished toward the stream bank to reduce stream impacts. The pier in the water will be cut and removed from the stream immediately. After all debris has been removed, the temporary work pad will be removed.

New Construction Impacts:

- | | |
|--------------------------------|---|
| Station 301+10
See Sheet R5 | Place an 18" pipe within an ephemeral stream (UT to Trammel Creek) impacting a total of 60' of stream and 0.002 acres. The watershed is 3.3 acres. -86.274603 36.730855 Decimal Degrees |
| Station 317+70
See Sheet R5 | Place a 4 span bridge over Trammel Creek. No permanent impacts are being proposed; all piers are above the Ordinary High Water Mark however one coffer dam will be required for the construction of one of the piers that is near the bank. This is a perennial stream (93.4 mi ² watershed). -86.272862 36.730869 Decimal Degrees |
| Station 322+75
See Sheet R7 | Place 2 60" pipes within an intermittent stream (UT to Trammel Creek) totaling 290 feet of impact and 0.033 acres. The watershed is 93 acres. -86.271186 36.731779 Decimal Degrees |
| Station 332+45
See Sheet R9 | Place a 24" pipe within an ephemeral stream (UT to Trammel Creek) totaling 67 feet and 0.003 acres. The watershed is 12 acres. -86.270115 36.732307 Decimal Degrees |
| Station 336+08
See Sheet R9 | Place a 60" pipe within an intermittent stream (UT to Trammel Creek) totaling 100 feet and 0.011 acres. The watershed is 74 acres. -86.269186 36.732746 Decimal Degrees |

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Danny Peake, KYTC, 200 Mero Street Frankfort, KY 40622

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL, Blankenbaker Parkway Extension, LRL-2009-

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: REPLACE
BRIDGE AND APPROACHES OVER TRAMMEL CREEK ON KY-100
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: KY County/parish/borough: Allen City: Scottsville
Center coordinates of site (lat/long in degree decimal format): Lat. N
36.731779 **Pick List**, Long. W-. -86.271186 **Pick List**.

Universal Transverse Mercator:

Name of nearest waterbody: Trammel Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 450 linear feet: width (ft) and/or 0.049 acres.

Cowardin Class: Riverine - R4,R5,R6

Stream Flow: Ephemeral, Intermittent and Perennial

Wetlands: 0.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 1/6/2010

☒ Field Determination. Date(s): 5/10/2009

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this

preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Adolphus – ☐ USDA Natural Resources Conservation Service Soil Survey.
- Citation: .
- ☐ National wetlands inventory map(s). Cite name: ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): FSA Color Ortho Imagery 2006 – 2 foot coverage.
- or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Other information (please specify): .

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of
Regulatory Project Manager
(REQUIRED)

Darryl Penke 1/13/2010
Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

February 18, 2009

2009 FEB 19 AM 09:16

Mr. David Waldner
Division of Environmental Analysis
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, Kentucky 40622

Re: FWS 2009-B-0173; KYTC Item No. 3-8100, Replace the Bridge, Approaches, and
Realignment of KY 100 over Trammel Fork of Drakes Creek; Allen County, Kentucky


Dear Mr. Waldner:

Fish and Wildlife Service (Service) personnel have reviewed the biological assessment dated November 12, 2008 regarding the gray bat and Indiana bat for the above referenced project proposal. A habitat assessment was performed by KYTC biologist and it was determined by KYTC that the project would have no effect on federally listed mussel species. Fish and Wildlife Service (Service) biologists have reviewed the additional information, and offer the following comments.

The biological assessment is adequate and supports the conclusion of "not likely to adversely affect" for the Indiana bat and gray bat. Based on our review of the information, we concur with this determination. Please ensure that the minimization measures associated with gray bat foraging habitat and seasonal clearing restrictions associated with the Indiana bat are fully implemented. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

If you have any questions or if we can be of further assistance, please contact Phil DeGarmo at 502-695-0468 x110.

Sincerely,


for Virgil Lee Andrews, Jr.
Field Supervisor

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	LAND
2	PLAN AND PROFILE
3	RIGHT OF WAY
4	TRAMPLE, CANTON, SHEETS
5	RIGHT OF WAY
6	TRAMPLE, CANTON, SHEETS
7	RIGHT OF WAY
8	TRAMPLE, CANTON, SHEETS
9	RIGHT OF WAY
10	TRAMPLE, CANTON, SHEETS

81. ROADWAY	TOTAL SHEETS
82. TRAMPLE	
83. UTILITY	
84. CROSS SECTION	
SHEETS NOT INCLUDED IN TOTAL SHEETS	

STANDARD DRAWINGS

DESIGN CRITERIA

CLASS OF HIGHWAY	RURAL COLLECTOR
TYPE OF TRUNK	LEVEL
DESIGN SPEED	50 M.P.H.
REQUIRED W-30	450
REQUIRED P-30	500
LEVEL OF SERVICE	2500
NOT PRESENT (2008)	2500
NOT FUTURE (2028)	2500
ADT	0
1 2 A.24. ADT	19, 6X DMV (2028)

GEOGRAPHIC COORDINATES

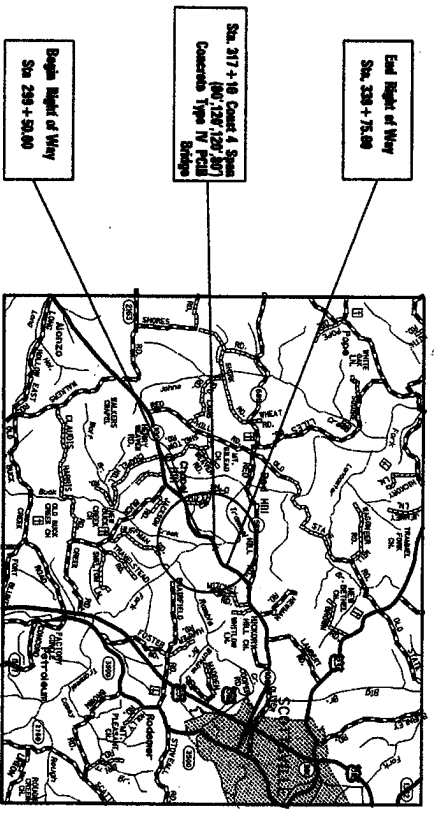
LATITUDE	36 DEGREES 44 MINUTES NORTH
LONGITUDE	85 DEGREES 56.4 MINUTES WEST

DESIGNED

2. RESTRICTED SO	
LEVEL OF SERVICE	
MAX. DISTANCE W/O PASSING	

Commonwealth of Kentucky
DEPARTMENT OF HIGHWAYS

PLANS OF
PROPOSED PROJECT
ALLEN COUNTY
KY 100 OVER TRAMMEL CREEK



LAYOUT MAP



THESE PLANS ARE FOR
RIGHT OF WAY

THE CONTROL OF ACCESS ON THIS
PROJECT SHALL BE BY PERMIT

RIGHT OF WAY
PLANS

Commonwealth of Kentucky
DEPARTMENT OF HIGHWAYS
COUNTY OF
ALLEN

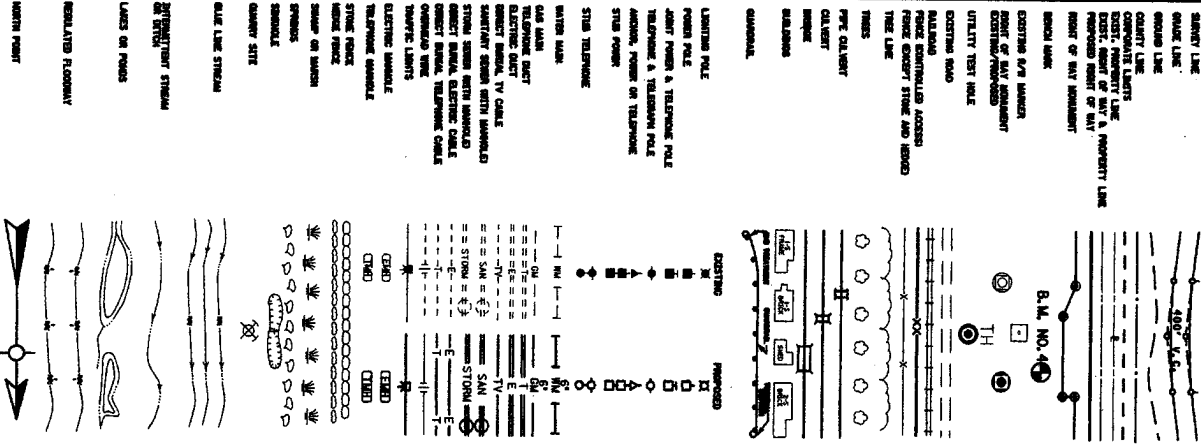
KY 100 OVER TRAMMEL CREEK

ITEM NO. 3-800.00
PROJECT EDD 002 000 002-00
LETTER DATE
DESIGNED BY: [Signature]
DATE: 10/25/07
BY: J. M. CRAWFORD & ASSOCIATES



COUNTY OF	ITEM NO.	SHEET NO.
ALLEN	3-800.00	10

CONVENTIONAL SIGNS



UTILITIES

Electric, Telephone, Gas, Water, Sewer, and other utility information including contact details for various departments and companies.

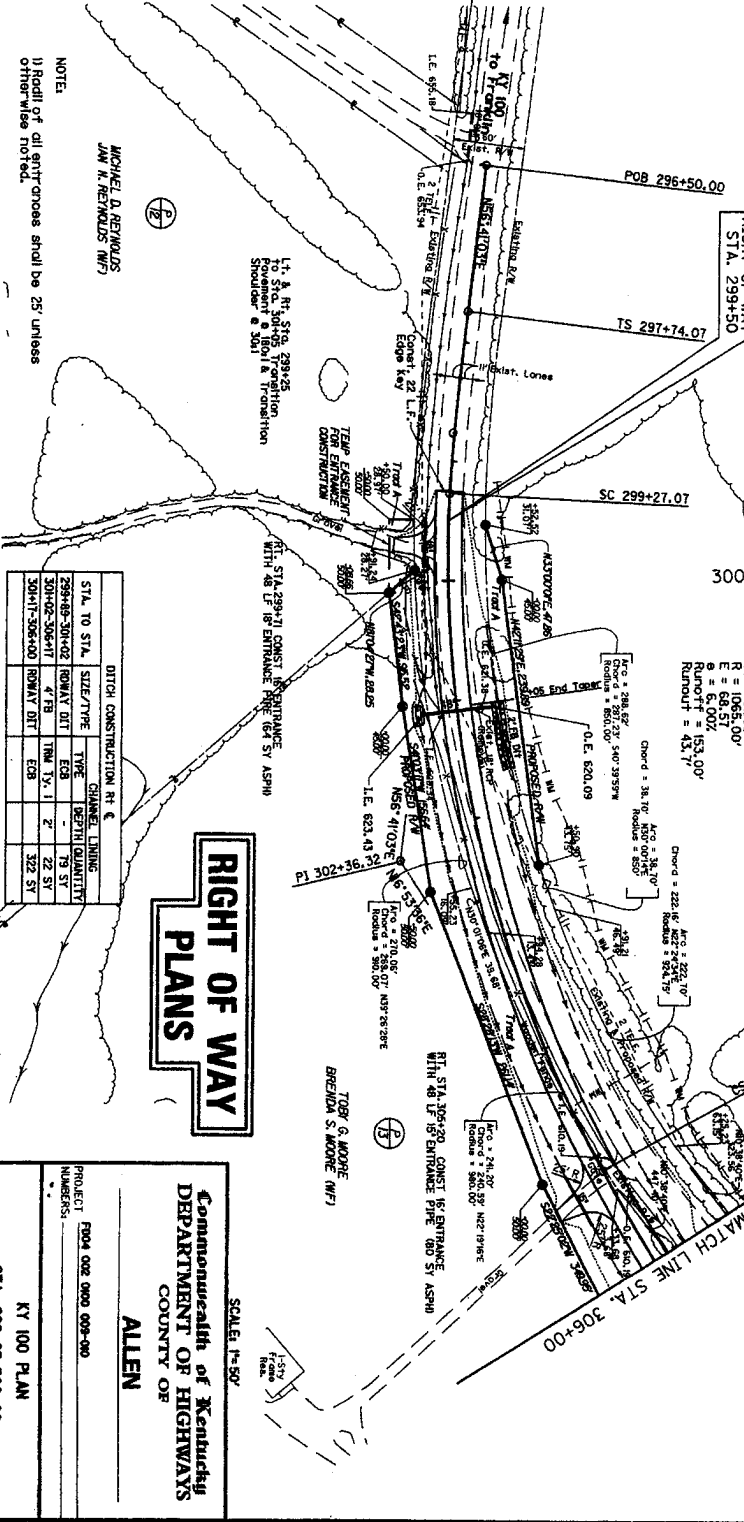
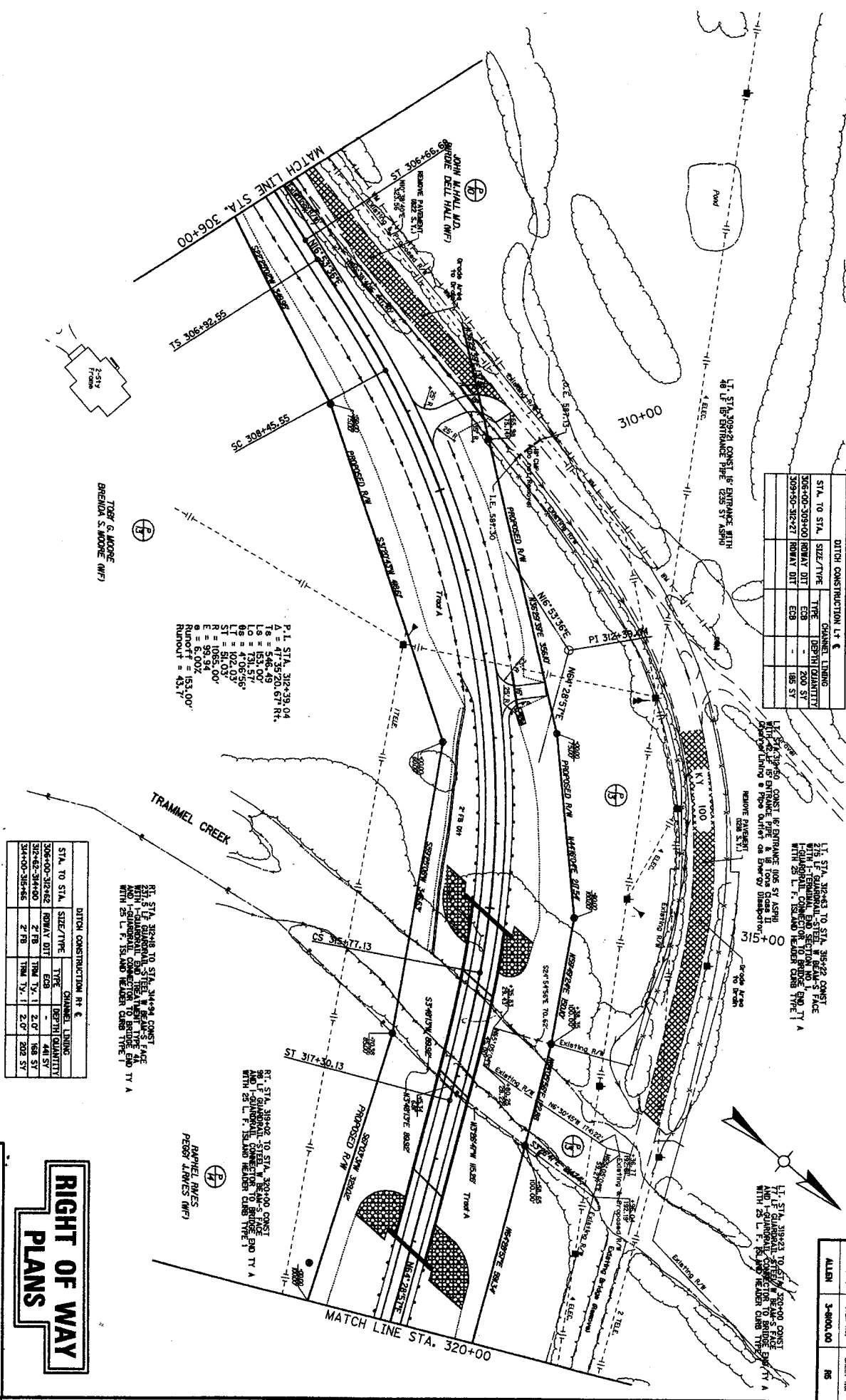


Table with 4 columns: STA. TO STA., SIZE/TYPE, CHANNEL, LINING. It lists stationing ranges and corresponding channel and lining specifications.

Table with 4 columns: STA. TO STA., SIZE/TYPE, CHANNEL, LINING. It lists stationing ranges and corresponding channel and lining specifications.

RIGHT OF WAY PLANS

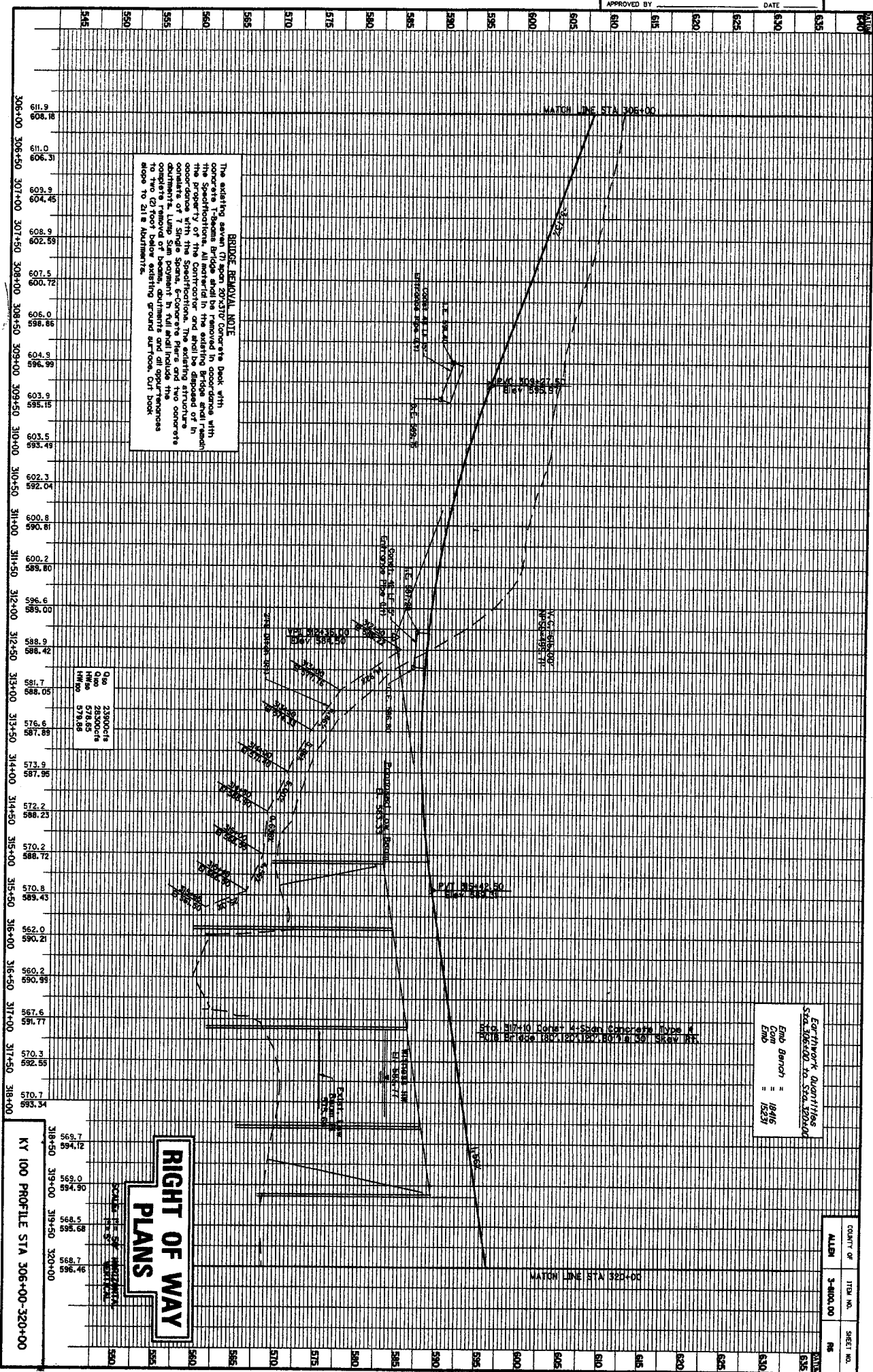
Commonwealth of Kentucky
Department of Highways
COUNTY OF ALLEN
PROJECT: KY 100 PLAN
STA. 299+25-306+00



SCALE: 1=50

KY 100 PLAN STA 306+00-320+00

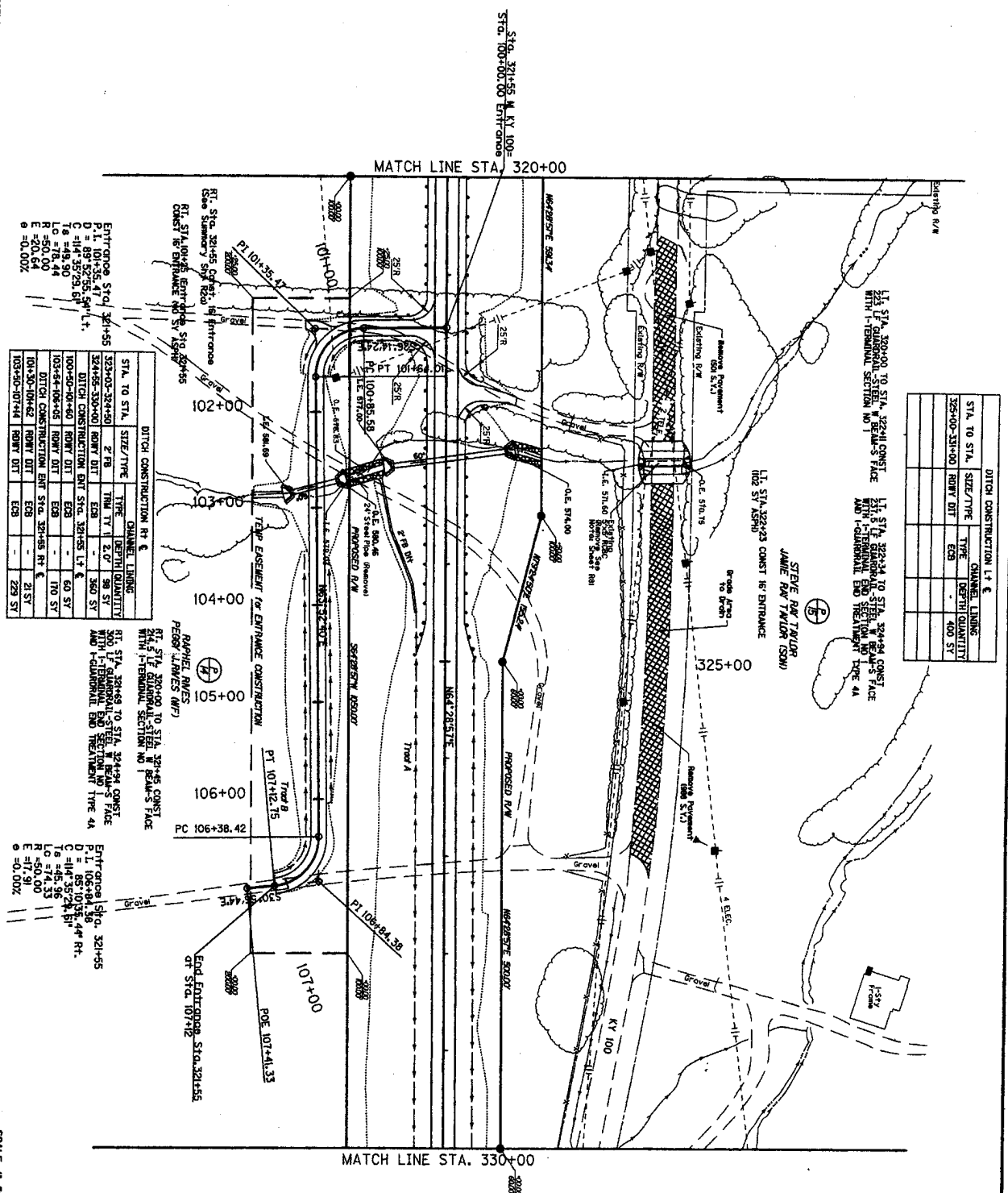
RIGHT OF WAY PLANS



RIGHT OF WAY PLANS

KY 100 PROFILE STA 306+00-320+00

COUNTY OF	ITEM NO.	SHEET NO.
ALLEN	3-6100.00	RS



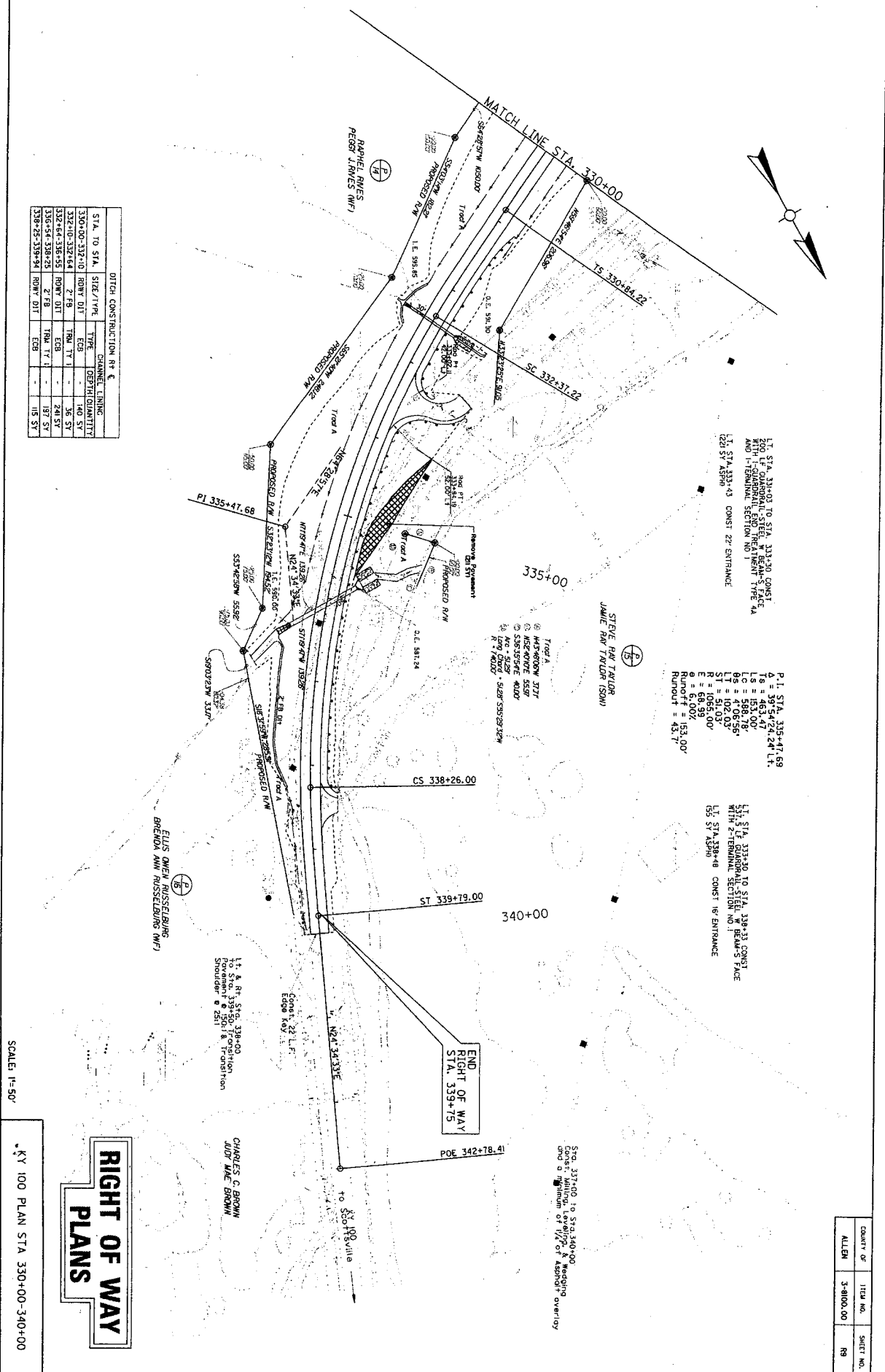
SCALE 1"=50'

**RIGHT OF WAY
PLANS**

KY 100 PLAN STA 320+00-330+00

COUNTY OF	ITEM NO.	SHEET NO.
ALLEN	3-400.00	17

STA. TO STA.		SIZE/TYPE	CHANNEL LINING	
0+0	312+10		TYPE	DEPTH/QUANTITY
330+00-332+10	ROWY DIT	ECB	-	140 SY
332+10-332+64	2 F#	TRM T1	-	56 SY
332+64-336+55	ROWY DIT	ECB	-	241 SY
336+54-338+25	2 F#	TRM T1	-	197 SY
338+25-339+94	ROWY DIT	ECB	-	115 SY





FILE COPY

**COMMERCE CABINET
KENTUCKY HERITAGE COUNCIL**

Steve Beshear
~~XXXXXXXXXX~~
Governor

The State Historic Preservation Office
300 Washington Street
Frankfort, Kentucky 40601
Phone (502) 564-7005
Fax (502) 564-5820
www.kentucky.gov

Marcheta Sparrow
~~XXXXXXXXXX~~
Secretary

Donna M. Neary
Executive Director and
State Historic Preservation Officer

January 2, 2008

Mr. David M. Waldner, P.E.
Director
Division of Environmental Analysis
Transportation Cabinet
200 Mero Street
Frankfort, KY 40622

Dear Mr. Waldner:

The State Historic Preservation Office has received for review and approval an archaeological report entitled "An Archaeological Survey of the Proposed KY Highway 100 Bridge Replacement Over Trammel Creek in Allen County, Kentucky (State Item No. 3-8100.00)" by Marcie L. Venter. The survey found no evidence of prehistoric or early historic sites in the project area. I concur with the author's findings and recommendations for no further archaeological investigations. Should you have any questions, feel free to contact Charles Hockensmith of my staff at (502) 564-7005.

Sincerely,

Donna M. Neary, Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer

DMN:cdh

Dr. George Crothers
Dr. Steven R. Ahler



Steven L. Beshear
Governor

TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Joseph W. Prather
Secretary

May 12, 2008

Mr. Jose Sepulveda, Division Administrator
Federal Highway Administration, Region IV
330 West Broadway Street
Frankfort, Kentucky 40602

SUBJECT: Memorandum of Agreement and Programmatic Section 4(F)
Determination and Approval
KY100 (Scottsville-Franklin Road)
Bridge Over Trammel Creek
Allen County, Kentucky
Item No 3-8100.00

Attached for your approval is one copy of a Memorandum of Agreement (MOA) that describes mitigation measures to be taken by the Kentucky Transportation Cabinet (KYTC) due to an Adverse Effect on the reconstruction of KY100 (Scottsville-Franklin Road) Bridge over Trammel Creek, a property eligible for inclusion in the National Register of Historic Places. In addition, please find attached the Section 4(f) Programmatic Agreement. KYTC requests that the Federal Highway Administration review, sign, and return both of these documents to KYTC-DEA. Once the MOA is signed, please forward a copy of the signed document to the Advisory Council on Historic Preservation.

If you have any questions regarding this request, please contact me.

Sincerely,

David M. Waldner, P.E., Director
Division of Environmental Analysis

DMW/srs
Enclosure

cc: S. Schurman w/a; T. Vinegar, w/a; R.H. Turner, w/a; R. Slaughter D3 w/a;
S. James D3 w/a; FHWA (A. Goodman) w/a; Central File w/a



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**KENTUCKY TRANSPORTATION CABINET
MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR Part 800.6(a)
Replacement of the Bridge and Approaches of the
KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek
Allen County, Kentucky
Item No. 3-8100.00**

WHEREAS, the Federal Highway Administration (FHWA) and Kentucky Transportation Cabinet (KYTC) has determined that the replacement of the KY 100 (Scottsville-Franklin Road) bridge over Trammel Creek in Allen County, Kentucky (The Project) will result in an effect upon the KY 100 (Scottsville-Franklin Road) bridge, a property determined eligible by consensus agreement for inclusion in the National Register of Historic Places under Criterion C; and

WHEREAS, the FHWA has consulted with the Kentucky State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended, (16 U.S.C. 470f); and

WHEREAS, the KYTC participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA); and

NOW, THEREFORE, the FHWA and Kentucky SHPO agree that the Project shall be accomplished in accordance with the following stipulations in order to take into account the effect of the undertaking on an historic property.

Stipulations

The FHWA will ensure that the following measures are undertaken and completed:

I. Insitu Preservation

- A.** FHWA will offer the bridge to city, county, and state government agencies or recognized, SHPO-approved historic preservation organizations or private individuals, which agree to and accept the following terms:
1. If the bridge is preserved in place, the FHWA agrees to provide, on a reimbursable basis, a grant of funds to the SHPO to be administered by the SHPO, the amount of which shall not exceed the estimated cost for demolition of the bridge, for the purpose of rehabilitation and restoration as may be necessary for the continued use of the bridge;
 2. Accept responsibility for liability and maintenance of the bridge;
 3. The recipient will keep intact the historic fabric of the bridge making no alterations or modifications to it without the written consent of the SHPO.
 4. The bridge will be utilized for purposes consistent with its historic character; and
 5. Obtain SHPO approval prior to any alteration, modification or construction.

II. Marketing

- A. The bridge will not be marketed as part of the project because it is a masonry bridge.

III. Recordation

- A. Prior to salvage, demolition or relocation of the bridge, the following procedures shall be undertaken and completed by FHWA:

1. The SHPO will be advised and consulted.
2. If salvage or demolition is ordered, the FHWA and SHPO will consider the practicality and feasibility of:
 - a. retaining for exhibit any significant architectural elements of the structure; and
 - b. incorporating significant architectural elements of the old bridge into the new bridge
3. In order to preserve a record of it's history and appearance; the bridge will be recorded by a SHPO-approved, professional architect, historian or architectural historian, experienced in the documentation of engineering resources. State Level I Documentation is specified and will include:
 - a) A Kentucky Historic Resource Individual Survey form (KHC 91-1) and Intensive Survey Form (KHC 91-3), completed or updated as appropriate;
 - b) Utilizing an archival search and gathering specific historic information from appropriate data sources, a brief report describing the history and architectural significance of the bridge and history of the area or neighborhood will be prepared to accompany the inventory form.
 - c) The bridge will be photographically documented with a series of digital color images, and black and white photographs showing it's architectural and structural elements (including portal views, barrel shots, interior web, upper and lower chord connections, hanger and floor beams), surrounding environmental setting, views from each approach and any other significant, character defining details. Photographs should be printed on 5" x 7" archival quality, acid free paper. Each photo will be labeled with the date, site number, direction, and subject. Photographs, a CD of the digital images, and all negatives shall be provided in notebook sleeves and submitted in a three-ring binder.
 - d) If available, a copy of the original construction plans and details and any other field plans or records maintained about the bridge shall be provided. If original plans are not available, measured drawings of the structure will be prepared by an architect or architectural historian experienced in producing measured drawings. This work shall be completed in accordance with Historic American Engineering Record (HAER) guidelines

- e) The completed documentation will be submitted by the FHWA to the SHPO for review and acceptance. Upon notification of SHPO acceptance, the FHWA will provide a copy to a local agency, archive, university or preservation group designated by the SHPO. A copy will also be provided to the State Department of Libraries and Archives.

IV. Archaeological Investigations

- A. Provision will be made for the protection and/or recovery of any archaeological data that might be affected by the Project, in a manner that takes into account the ACHP's handbook, "Treatment of Archaeological Properties" and that is acceptable to the SHPO. If consultation with the SHPO determines there is a potential for significant archaeological sites within the Project impact area, the following procedures shall be undertaken and completed:
 - 1. The FHWA will conduct Phase I and/or Phase II archaeological investigations of the Project area and submit a report of the findings to the SHPO for review and concurrence. These investigations and the subsequent reports will conform to the SHPO's most current Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports.
 - 2. If the investigations find archaeological sites that, in the opinion of the SHPO, are eligible for listing in the National Register of Historic Places, these will be avoided and preserved in place, wherever possible.
 - 3. Where avoidance is not possible, or if in the opinion of the SHPO there would be adverse impacts to eligible archaeological sites, the FHWA will, in consultation with the SHPO, develop a Research Design and Data Recovery Plan in conformance with the Secretary of the Interior's Standards for Archaeology and Historic Preservation Projects. The Research Design and Data Recovery Plan will be submitted to the SHPO for review and concurrence. Unless the SHPO comments or objects within thirty (30) days of receiving the research design and data recovery plan, the FHWA will implement the plan as soon as possible.
 - 4. Within ninety (90) days of completion of all elements of the Research Design and Data Recovery Plan, a report on the data recovery will be submitted to the SHPO for review and concurrence. The FHWA shall ensure that the report is prepared in accordance with the SHPO's most current Specifications for Conducting Fieldwork and Preparing Cultural Resource Assessment Reports and the Secretary of the Interior's Standards for Archaeology and Historic Preservation Projects. Unless the SHPO comments, objects or requests a time extension within thirty (30) days of receiving the Plan, the Project may be advanced in a normal manner.
 - 5. The FHWA shall ensure that all materials and records resulting from the archaeological data recovery are curated in Kentucky in accordance with 36 CFR Part 79 at an institution acceptable to the SHPO.

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KY 100 (Scottsville-Franklin Road)
Logan County, Kentucky
Item No 3-8100.00

V. Professional Qualifications

- A. The FHWA shall ensure that all historic preservation work undertaken and completed pursuant to this MOA is accomplished by or under the direct supervision of a preservation professional meeting the qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. (48 FR 44716-42). The FHWA, through consultation with the SHPO, shall assure that the preservation professional selected to complete the work has been approved for such work by the SHPO.

VI. Resolution of Disagreements

- A. Should the SHPO object within 30 days to any plans, specifications, reports or other actions submitted or undertaken pursuant to this Memorandum of Agreement; the FHWA shall consult with the SHPO to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request the further comments of the Advisory Council pursuant to 36 CFR 800.6(b). Any Advisory Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Memorandum of Agreement that are not the subjects of the dispute will remain unchanged

Page 5
KY 100 (Scottsville-Franklin Road)
Logan County, Kentucky
Item No 3-8100.00

Execution of this Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Advisory Council an opportunity to comment on the Project and its effect on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

BY: _____
Kentucky Division Administrator Date

KENTUCKY HERITAGE COUNCIL

BY: Dom M. Healey 03/11/08
State Historic Preservation Officer Date

CONCURRING PARTIES:

KENTUCKY TRANSPORTATION CABINET

BY: Joe Prather 2/7/08
Joe Prather, Secretary, Kentucky Transportation Cabinet Date

**APPROVED AS TO FORM AND LEGALITY
KENTUCKY TRANSPORTATION CABINET**

BY: Jack Shuff 1/29/08
General Counsel Date



Preserving America's Heritage

RECEIVED FEB 29 2008

February 26, 2008

Mr. Gregory D. Rawlings
Environmental Specialist
Kentucky Division Office
Federal Highway Administration
330 West Broadway
Frankfort, KY 40601

Ref: *Proposed Replacement of KY 100 Bridge Over Trammel Creek*
Item No. 3-8100.00
Allen County, Kentucky

Dear Mr. Rawlings:

On February 4, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. This letter is to inform you that the ACHP has decided not to participate in consultation for this undertaking. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Kentucky SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact me at 202-606-8522 or via e-mail at clegard@achp.gov.

Sincerely,

Carol Legard
FHWA Liaison
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8547 • achp@achp.gov • www.achp.gov

**KENTUCKY TRANSPORTATION CABINET
FOR
KENTUCKY DIVISION
FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(F) DETERMINATION AND APPROVAL
UNDER THE
NATIONWIDE PROGRAMMATIC SECTION 4(F) EVALUATION
AND APPROVAL FOR FHWA PROJECTS THAT NECESSITATE
THE USE OF HISTORIC BRIDGES**

Description/Location of Historic Bridge: KY 100 (Scottsville-Franklin Road) over Trammel Creek
in Allen County, Kentucky, Item No. 3-8100.00

Consult the Nationwide Section 4(f) Evaluation (attached) as it relates to the following items. Any response in a box requires additional information prior to approval. This determination will be attached to the applicable CE or FONSI.

	YES	NO
1. Will the bridge be replaced with federal funds?	<u> X </u>	[]
2. Will the project require the "use" of a historic structure which is on or is eligible for listing of the National Register of Historic Places?	<u> X </u>	[]
3. Will the project impair the historic integrity of the bridge either by demolition or rehabilitation?	<u> X </u>	[]
4. Has the bridge been determined to be a National Historic Landmark?	[]	<u> X </u>

Alternatives Considered:

Consult the Nationwide Programmatic Section 4 (f) Evaluation for the generic reasons that might be address.

	YES	NO
1. All reasonable alternatives to avoid any use of the Historic bridge has been evaluated.	<u> X </u>	[]
2. The "Do Nothing" alternative has been studied and it has been determined for reasons of maintenance and safety not to be feasible and prudent?	<u> X </u>	[]

- | | YES | NO |
|--|--------------|-------|
| 3. The build on new location without using the old bridge alternate has been studied and it has been determined for reasons of terrain, and/or adverse social, economic or environmental effects, and/or engineering and economy preservation of the old bridge, not to be feasible and prudent? | <u> X </u> | [] |
| 4. Rehabilitation of the existing bridge without affecting the historic integrity of the bridge has been studied and it has been determined for reasons of structural deficiency, and/or geometric that rehabilitation is not feasible and prudent? | <u> X </u> | [] |

Measures to Minimize Harm:

- | | | |
|---|--------------|-------|
| 1. The project includes all possible planning to minimize harm as the following apply? | <u> X </u> | [] |
| 2. The existing bridge will be made available for an alternative use through a marketing process in accordance with an executed MOA for the project. (Marketing is not possible because of the masonry structure) | <u> X </u> | [] |
| 3. The FHWA and SHPO have reached agreement through the Section 106 process on the measures to minimize harm in the absence of a bridge relocation agreement. These are outlined in the executed MOA (copy attached). | <u> X </u> | [] |

Determination and Approval:

The project meets the applicability criteria set forth in the Nationwide Programmatic Section 4 (f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges dated July 5, 1983.

That all of the alternatives set forth in the Findings section of the above National Section 4(f) Evaluation have been fully evaluated. Based on those Findings, it is determined that there is no feasible and prudent alternative to the use of the historic **KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek in Allen County, Kentucky.**

That the project complies with the Measures to Minimize Harm Section of the above Nationwide Section 4(f) Evaluation has been completed and agreement reached between the FHWA and SHPO.

Accordingly, the FHWA approves the proposed use of the historic **KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek in Allen County, Kentucky** for the construction of a replacement bridge and approaches under the above Nationwide Section 4(f) Evaluation issued July 5, 1983.

_____	Approval	_____
Date		Area Engineer

1 JUL 1987 1:29

**KENTUCKY TRANSPORTATION CABINET
MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**PURSUANT TO 36 CFR Part 800.6(a)
Replacement of the Bridge and Approaches of the
KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek
Allen County, Kentucky
Item No. 3-8100.00**

WHEREAS, the Federal Highway Administration (FHWA) and Kentucky Transportation Cabinet (KYTC) has determined that the replacement of the KY 100 (Scottsville-Franklin Road) bridge over Trammel Creek in Allen County, Kentucky (The Project) will result in an effect upon the KY 100 (Scottsville-Franklin Road) bridge, a property determined eligible by consensus agreement for inclusion in the National Register of Historic Places under Criterion C; and

WHEREAS, the FHWA has consulted with the Kentucky State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended, (16 U.S.C. 470f); and

WHEREAS, the KYTC participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA); and

NOW, THEREFORE, the FHWA and SHPO agree that the Project shall be accomplished in accordance with the following stipulations in order to take into account the effect of the undertaking on an historic property.

Stipulations

The FHWA will ensure that the following measures are undertaken and completed:

I. Recordation

A. Prior to demolition of the bridge, the following procedures shall be undertaken and completed by FHWA:

1. The SHPO will be advised and consulted.
2. In order to preserve a record of its history and appearance, the bridge will be recorded by a SHPO approved, professional architect, historian or architectural historian, experienced in the documentation of engineering resources. State Level I Documentation is specified and will include:
 - a) A Kentucky Historic Resource Individual Survey form (KHC 91-1) and Intensive Survey Form (KHC 91-3), completed or updated as appropriate; and
 - b) Utilizing an archival search and gathering specific historic information from appropriate data sources, a brief report describing the history and architectural significance of the bridge and history of the area or neighborhood will be prepared to accompany the inventory form; and

Page 2
KY 100 (Scottsville-Franklin Road)
Allen County, Kentucky
Item No 3-8100.00

- c) The bridge will be photographically documented with a series of digital color images, and black and white photographs showing its architectural and structural elements (including portal views, barrel shots, interior web, upper and lower chord connections, hanger and floor beams), surrounding environmental setting, views from each approach and any other significant, character defining details. Photographs should be printed on 5" x 7" archival quality, acid free paper. Each photo will be labeled with the date, site number, direction, and subject. Photographs, a CD of the digital images, and all negatives shall be provided in notebook sleeves and submitted in a three-ring binder; and
- d) If available, a copy of the original construction plans and details and any other field plans or records maintained about the bridge shall be provided. If original plans are not available, measured drawings of the structure will be prepared by an architect or architectural historian experienced in producing measured drawings. This work shall be completed in accordance with Historic American Engineering Record (HAER) guidelines; and
- e) The completed documentation will be submitted by the KYTC to the SHPO for review and acceptance. Upon notification of SHPO acceptance, the KYTC will provide a copy to a local agency, archive, university or preservation group designated by the SHPO. A copy will also be provided to the State Department of Libraries and Archives.

II. Marketing

- A. The bridge will not be marketed as part of the project because it is a masonry bridge.

III. Professional Qualifications

- A. The KYTC shall ensure that all historic preservation work undertaken and completed pursuant to this MOA is accomplished by or under the direct supervision of a preservation professional meeting the qualifications set forth in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, (48 FR 44716-42). The KYTC, through consultation with the SHPO, shall assure that the preservation professional selected to complete the work has been approved for such work by the SHPO.

IV. Resolution of Disagreements

- A. Should the SHPO object within 30 days to any plans, specifications, reports or other actions submitted or undertaken pursuant to this Memorandum of Agreement, the KYTC shall consult with the SHPO to resolve the objection. If the KYTC determines that the objection cannot be resolved, the matter shall be forwarded to the ACE with a request that it solicit further comments of the Advisory Council pursuant to 36 CFR 800.6(b). Any Advisory Council comment provided in response to such a request will be taken into account by the USCOE and KYTC in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute; the KYTC's responsibility to carry out all actions under this Memorandum of Agreement that are not the subjects of the dispute will remain unchanged

Page 3
KY 100 (Scottsville-Franklin Road)
Allen County, Kentucky
Item No 3-8100.00

Execution of this Memorandum of Agreement and implementation of its terms evidence that KYTC has afforded the Advisory Council an opportunity to comment on the Project and its effect on historic properties, and that KYTC has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

BY: [Signature] 10/8/08
Kentucky Division Administrator Date

KENTUCKY HERITAGE COUNCIL

BY: [Signature] 7/07/08
State Historic Preservation Officer Date

CONCURRING PARTIES

KENTUCKY TRANSPORTATION CABINET

BY: [Signature] 4/9/08
Joseph W. Prather, Secretary, Kentucky Transportation Cabinet Date

APPROVED AS TO FORM AND LEGALITY
KENTUCKY TRANSPORTATION CABINET

BY: [Signature] 5/21/08
General Counsel Date



RECEIVED FEB 29 2008

Preserving America's Heritage

February 26, 2008

Mr. Gregory D. Rawlings
Environmental Specialist
Kentucky Division Office
Federal Highway Administration
330 West Broadway
Frankfort, KY 40601

Ref: *Proposed Replacement of KY 100 Bridge Over Trammel Creek*
Item No. 3-8100.00
Allen County, Kentucky

Dear Mr. Rawlings:

On February 4, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. This letter is to inform you that the ACHP has decided not to participate in consultation for this undertaking. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Kentucky SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact me at 202-606-8522 or via e-mail at clegard@achp.gov.

Sincerely,

Carol Legard
FHWA Liaison
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8547 • achp@achp.gov • www.achp.gov

**KENTUCKY TRANSPORTATION CABINET
FOR
KENTUCKY DIVISION
FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(F) DETERMINATION AND APPROVAL
UNDER THE
NATIONWIDE PROGRAMMATIC SECTION 4(F) EVALUATION
AND APPROVAL FOR FHWA PROJECTS THAT NECESSITATE
THE USE OF HISTORIC BRIDGES**

Description/Location of Historic Bridge: KY 100 (Scottsville-Franklin Road) over Trammel Creek
in Allen County, Kentucky, Item No. 3-8100.00

Consult the Nationwide Section 4(f) Evaluation (attached) as it relates to the following items. Any response in a box requires additional information prior to approval. This determination will be attached to the applicable CE or FONSI.

- | | YES | NO |
|---|----------|----------|
| 1. Will the bridge be replaced with federal funds? | <u>X</u> | [] |
| 2. Will the project require the "use" of a historic structure which is on or is eligible for listing of the National Register of Historic Places? | <u>X</u> | [] |
| 3. Will the project impair the historic integrity of the bridge either by demolition or rehabilitation? | <u>X</u> | [] |
| 4. Has the bridge been determined to be a National Historic Landmark? | [] | <u>X</u> |

Alternatives Considered:

Consult the Nationwide Programmatic Section 4 (f) Evaluation for the generic reasons that might be address.

- | | YES | NO |
|---|----------|-----|
| 1. All reasonable alternatives to avoid any use of the Historic bridge has been evaluated. | <u>X</u> | [] |
| 2. The "Do Nothing" alternative has been studied and it has been determined for reasons of maintenance and safety not to be feasible and prudent? | <u>X</u> | [] |

- | | YES | NO |
|--|--------------|-------|
| 3. The build on new location without using the old bridge alternate has been studied and it has been determined for reasons of terrain, and/or adverse social, economic or environmental effects, and/or engineering and economy preservation of the old bridge, not to be feasible and prudent? | <u> X </u> | [] |
| 4. Rehabilitation of the existing bridge without affecting the historic integrity of the bridge has been studied and it has been determined for reasons of structural deficiency, and/or geometric that rehabilitation is not feasible and prudent? | <u> X </u> | [] |

Measures to Minimize Harm:

- | | | |
|---|---------------|-------|
| 1. The project includes all possible planning to minimize harm as the following apply? | <u> X </u> | [] |
| 2. The existing bridge will be made available for an alternative use through a marketing process in accordance with an executed MOA for the project. (Marketing is not possible because of the masonry structure) | <u> </u> | [X] |
| 3. The FHWA and SHPO have reached agreement through the Section 106 process on the measures to minimize harm in the absence of a bridge relocation agreement. These are outlined in the executed MOA (copy attached). | <u> X </u> | [] |

Page 3
Allen County, Kentucky
Item No 3-8100.00

Determination and Approval:

The project meets the applicability criteria set forth in the Nationwide Programmatic Section 4 (f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges dated July 5, 1983

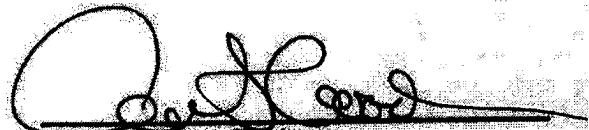
That all of the alternatives set forth in the Findings section of the above National Section 4(f) Evaluation have been fully evaluated. Based on those Findings, it is determined that there is no feasible and prudent alternative to the use of the historic KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek in Allen County, Kentucky.

That the project complies with the Measures to Minimize Harm Section of the above Nationwide Section 4(f) Evaluation has been completed and agreement reached between the FHWA and SHPO.

Accordingly, the FHWA approves the proposed use of the historic KY 100 (Scottsville-Franklin Road) Bridge over Trammel Creek in Allen County, Kentucky for the construction of a replacement bridge and approaches under the above Nationwide Section 4(f) Evaluation issued July 5, 1983.

10/8/08
Date

Approval


Area Engineer
Environmental Specialist